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Technology Center 2100

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HOUSTON, TX 77057-2631

In re Application of: Stephen C. Murphy)
Application No. 09/069,728) *SUA SPONTE*
Attorney Docket No. MICL.042) RECISION OF NOTICE OF
Filed: April 29, 1998) ABANDONMENT
For: A Method for Entering Data into a)
Computer Using a Peripheral Input Device)
Having a Retractable Cord)

A review of the application reveals that a Notice of Abandonment was mailed to the applicant on February 9, 2006. The notice incorrectly indicated that the instant application was being held abandoned for failure to respond to the Board's decision, mailed on January 18, 2006. However, on March 13, 2006, Applicant filed a request for continued examination having a certificate of mailing date of March 10, 2006. No notice of appeal to the Federal Circuit or for commencing a civil action has been filed.

In accordance with MPEP 706.07(h) XI:

Generally, the time period for filing a notice of appeal to the Federal Circuit or for commencing a civil action is within two months of the Board's decision. See 37 CFR 1.304 and MPEP § 1216. Thus, an RCE filed within this two month time period and before the filing of a notice of appeal to the Federal Circuit or the commencement of a civil action would be timely filed.

In view of these facts, the abandonment of the application was clearly in error and is hereby **VACATED**.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to **WITHDRAW** the holding of abandonment, restore the instant application to pending status and process the request for continued examination. The application will then be forwarded to the examiner for consideration of the submission.

Inquiries to this decision may be directed to Special Programs Examiner Tod Swann at (571) 272-3612.

Tod Swann, WQAS
Technology Center 2100
Computer Architecture, Software, and Information Security